

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03  
/034 W

-----081155Z 113124 /50

R 081119Z JUN 77

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8878

LIMITED OFFICIAL USE BONN 09650

E.O. 11652: N/A

TAGS: EAIR, GW, US

SUBJECT: CIVAIR: PAN AM IGS CLAIM

REF: BONN 3398

1. DR. FAULL, LEGAL EXPERT FOR AVIATION SECTION OF  
FEDERAL MINISTRY OF TRANSPORTATION (FMT) ON JUNE 7  
REPLIED TO LATEST EMBASSY INQUIRY ON PAN AM CLAIM FOR  
LOSSES ON IGS SERVICES BECAUSE OF ATC CONTROLLERS 1975  
WORK TO RULE ACTION. FAULL SAID RECENT COURT DECISIONS  
(SUPPLIED TO DEPARTMENT BY PAN AM) INVOLVING  
CAPITOL AIRLINES AND HANNOVER AIRPORT COMPANIES ARE  
NOT YET LEGALLY DECISIVE (I.E. THEY ARE SUBJECT TO  
APPEAL). A DECISIVE EVENT WILL BE THE HEARING ON JUNE 16  
OF THE FEDERAL SUPREME COURT OF THE NECKERMANN UND  
REISEN CASE. FMT HOPES COURT WILL RULE ON WHETHER  
THE PROVISION OF ATC SERVICES IS A GENERAL RESPONSIBIL-  
ITY TO THE PUBLIC AS A WHOLE OR A DIRECT RESPONSIBILITY  
TO THE USERS OF THE SERVICE AS WELL AS WHETHER GERMAN  
LAW DEALING WITH THE LIABILITY OF THE STATE FOR THE  
ACTIONS OF ITS EMPLOYEES (PARAGRAPH 839 OF THE  
BUEGERLICHES GESETZBUCH) IS APPLICABLE. ASSUMING THAT  
THE COURT DEALS WITH THESE QUESTIONS, FAULL ESTIMATES  
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THAT THE FMT WILL STUDY THE RULING FOR AN ADDITIONAL  
TWO OR THREE MONTHS BEFORE IT WILL BE PREPARED TO AN-  
SWER THE PAN AM CLAIM.

2. PAN AM MANAGING DIRECTOR FOR CENTRAL AND EASTERN  
EUROPE BERNACCHIA INDICATED JUNE 6 THAT PAN AM ALSO  
CONSIDERS THAT NECKERMANN DECISION WILL BE THE KEY

ONE IN DETERMINING RESULT OF PAN AM CLAIM.  
CASH

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, CLAIMS, AIR TRAFFIC CONTROL, BERLIN QUADRIpartite MATTERS  
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**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977BONN09650  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Reference:** 77 BONN 3398  
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**TAGS:** EAIR, GE, US  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009